
Public Notice

Applicant:

Date:

Brompton/Ceasar Associates
Published: July 26, 2001

Expires: Aug. 25, 2001

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 2000-01652(1) Section: NY 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Brompton/Ceasar Associates, 2730 Transit Road, West Seneca, New York 14224, has applied for a Department of the Army permit to construct a 78-lot residential subdivision on an 85.61 acre land parcel. The development will require the culverting/filling of approximately 688 linear feet of unnamed tributary to the North Branch of Smoke Creek as well as placement of fill into approximately 0.03 acre of Federal wetlands. The project is located on Knob Hill Road, in the Town of Orchard Park, Erie County, New York.

The project consists of the following:

- a. A total of approximately 688 linear feet of two intermittent tributaries will be culverted/filled for roadway crossings, stormwater management, and residential lots. The impacts include two areas of the western drainageway and two areas of the eastern drainageway. These areas are identified as Areas "A", "B", "C", and "D", respectively, on the enclosed Sheet 2 of 2.
- b. Within the western drainageway, proposed impacts to Area "A" include approximately 72 lineal feet of culvert through a proposed stormwater management berm and water control structure. Area "B" includes approximately 378 lineal feet of culvert/fill for a roadway crossing and residential lots.
- c. Proposed impacts to the eastern drainage way include approximately 238 linear feet. Areas "C" and "D" will be culverted for roadway crossings. Impacts to Area "C" will be 108 linear feet and impacts to Area "D" will be 130 linear feet.
- d. A total of 0.03 acre of one Federal wetland will be impacted. Wetland Area "E" (0.03 acre) will be filled in for lot and road construction.
- e. As mitigation for unavoidable impacts to 688 linear feet of intermittent stream and 0.03 acre of wetlands, the majority of the stream corridor (approximately 3,000 linear feet) and approximately 35 acres of the property site will be preserved as perpetual green space. This green space includes a minimum of a 25-foot upland buffer area along all portions of the preserved stream. Preservation will be accomplished primarily through deed restrictions.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Martin H. Crosson, who can be contacted by calling (716) 879-4346, or by e-mail at: martin.h.crosson@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Martin H. Crosson, or by e-mail at: martin.h.crosson@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

W11J90e

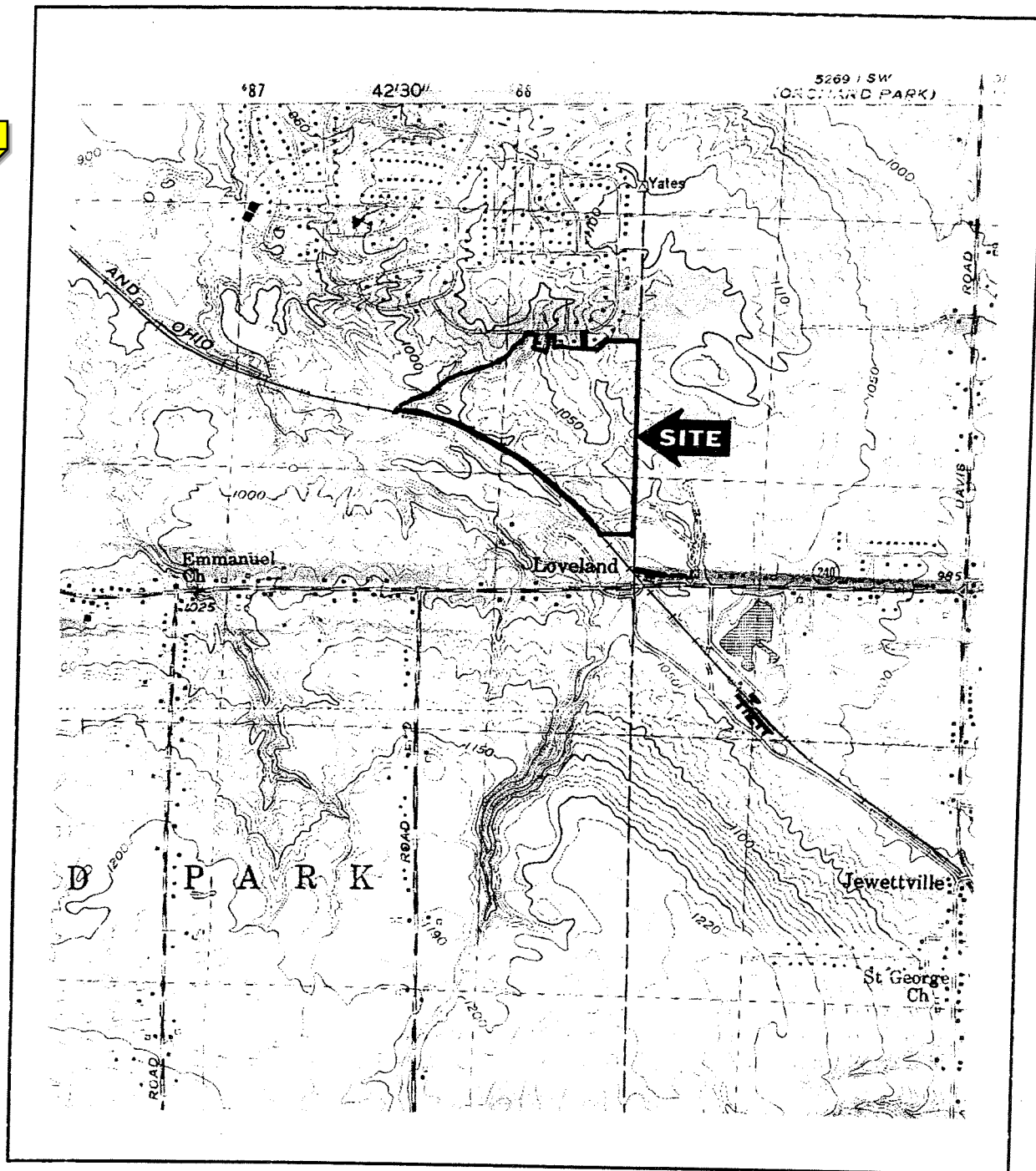


Figure 1: USGS 7.5 minute
Topographical Map
Colden Quadrangle (1979 rev.)

Proposed Eagle Heights Part 8
Knob Hill Road
Town of Orchard Park
Erie County, New York

EAGLE HEIGHTS SUBDIVISION, PART 8
D/A Processing No. 2000-01652(1)
Erie County, New York Quad: COLDEN
Sheet 1 of 2

* STREAM AREAS OTHER THAN AREAS A, B, C, & D ARE INCLUDED IN THE MITIGATION PROPOSAL (APPROXIMATELY 3000 LINEAR FEET)

(A) 72' COVERED WITH PROPOSED WATER CONTROL STRUCTURE

(B) 378' COVERED & FILLED FOR ROADWAY & LOTS

(C) 108' COVERED FOR ROADWAY

(D) 130' COVERED FOR ROADWAY

(E) 0.03 ACRES OF WETLAND FILLED FOR ROADWAY & LOTS

EAGLE HEIGHTS SUBDIVISION, PART 8
D/A Processing No. 2000-01652(1)
Erie County, New York Quad: COLDEN
Sheet 2 of 2

Impacts		
Area	linear feet	acres
A	72 linear feet	
B	378 linear feet	
C	108 linear feet	
D	130 linear feet	
E		0.03 acres
F		0.15 acres
Total	688 linear feet	0.18 acres

- INDICATES LANDS TO BE CLEARED FOR PAVEMENT AND UTILITIES
14.3 ± Acres = 17 %
- INDICATES LANDS TO BE SELECTIVELY CLEARED (TREES TO BE PRESERVED IF POSSIBLE)
36.3 ± Acres = 42 %
- INDICATES LANDS NOT TO BE CLEARED
20.0 ± Acres = 41 %
- linear area to remain
- linear area to be impacted
- wetland to remain
- wetland to be impacted

Conservation Map
EAGLE HEIGHTS SUBDIVISION, PART 8
TOWN OF ORCHARD PARK, ERIE COUNTY, NEW YORK

